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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON

8 UNITED STATES OF AMERICA, )  
9 Plaintiff, ) NO. CR-05-0035-LRS  
10 -vs- ) ORDER DENYING MOTION TO DISMISS  
11 MUHAMMED ZBEIDA TILLISY, )  
12 Defendant. )  
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14 Muhammed Tillisy (defendant) was convicted of Conspiracy to Commit  
15 Credit Card Fraud for which judgment was entered on October 28, 2005 (Ct.  
16 Rec. 79).

17 Defendant Tillisy, proceeding *pro se*, filed a Motion to Dismiss  
18 pursuant to 22 U.S.C. 254 D, B (Ct. Rec. 154) on January 26, 2009.  
19 Defendant did not note the hearing pursuant to Local Rules.

20 Defendant asserts that he has been certified by the Libyan Embassy  
21 by Mr. Madher Ahmad, as being the son of a diplomat to the Libyan Mission  
22 which allows him to enjoy the privilege of immunity. Based on this  
23 representation, Defendant requests that he be released for the remainder  
24 of his imprisonment. Defendant has filed no supporting evidence of his  
25 diplomatic status.

26 Foreign Diplomatic and Consular Officers

1 § 254d. Dismissal on motion of action against individual  
2 entitled to immunity

3 Any action or proceeding brought against an individual  
4 who is entitled to immunity with respect to such action  
5 or proceeding under the Vienna Convention on Diplomatic  
6 Relations, under section 254b or 254c of this title, or  
7 under any other laws extending diplomatic privileges and  
8 immunities, shall be dismissed. Such immunity may be  
9 established upon motion or suggestion by or on behalf of  
10 the individual, or as otherwise permitted by law or  
11 applicable rules of procedure.

12 § 254b. Privileges and immunities of mission of nonparty  
13 to Vienna Convention

14 With respect to a nonparty to the Vienna Convention, the  
15 mission, the members of the mission, their families, and  
16 diplomatic couriers shall enjoy the privileges and  
17 immunities specified in the Vienna Convention.

18 22 U.S.C. § 254d, b.

19 Defendant Tillisy suggests that he is immune from criminal  
20 prosecution by virtue of diplomatic immunity. Based on the information  
21 before this Court, Defendant Tillisy does not appear to be entitled to  
22 diplomatic immunity. This court concludes that Tillisy is not a member  
23 of the Libyan mission entitled to immunity from criminal prosecution.

24 The defendant's Motion To Dismiss, Ct. Rec. 154, is **DENIED**.

25 **IT IS SO ORDERED.** The District Court Executive is hereby directed  
26 to file this Order and furnish a copy to defendant.

DATED this 13th day of March, 2009.

*S/ Lonny R. Suko*

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LONNY R. SUKO

UNITED STATES DISTRICT JUDGE